

Decision No. C21-0289

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 21A-0149T

IN THE MATTER OF THE JOINT APPLICATION OF SPECTROTEL, INC.
AND SPECTROTEL OF THE WEST LLC TO EXECUTE A TRANSFER.

**COMMISSION DECISION DEEMING
APPLICATION INCOMPLETE AND DISMISSING
APPLICATION WITHOUT PREJUDICE**

Mailed Date: May 13, 2021

Adopted Date: May 12, 2021

I. BY THE COMMISSION

A. Statement, Findings, and Conclusion

1. On April 6, 2021, Spectrotel, Inc. and Spectrotel of the West, LLC (SPW) (Applicants) filed a Joint Application to Execute a Transfer.

2. On April 8, 2021, Staff of the Commission timely issued a Deficiency Letter pursuant to Rule 1303(c)(II) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1. This letter advised Applicants of deficiencies with the application, including the lack of additional information concerning SPW, as required by Rule 723-2-2103 of the Commission's Rules Regulating Telecommunications Services and Providers of Telecommunications Services.

3. Rule 1303(c)(II), 4 CCR 723-1, states that upon receipt of a deficiency letter, "the applicant may file a response either curing all the deficiencies noted by Commission staff or explaining why it believes no further action is required." This response "shall be filed no later than ten days after Commission staff's written notification was sent." *Id.* "If the applicant does

not respond in the time allotted, the Commission may, after the application's notice period has expired, deem the application incomplete, dismiss the application without prejudice, and close the proceeding." *Id.*

4. The Deficiency Letter was sent to Applicant on April 8, 2021. Therefore, the ten-day period allotted for curing the deficiency expired on April 19, 2021.

5. Applicant has not filed a response to the Deficiency Letter or provided the requested information.

6. The Commission provided notice of the application on April 7, 2021. The notice period expired on May 7, 2021.

7. Due to the foregoing, the Commission deems the application incomplete and dismisses the application without prejudice.

II. ORDER

A. The Commission Orders That:

1. The application of Spectrotel, Inc. and Spectrotel of the West, LLC filed on April 6, 2021, is deemed incomplete, within the meaning of § 40-6-109.5, C.R.S., and Rule 1303(c) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1, and is dismissed without prejudice.

2. This proceeding is closed.

3. The 20-day time period provided by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the Commission mails or serves this Decision.

4. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
May 12, 2021.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

JOHN GAVAN

MEGAN M. GILMAN

Commissioners